

STATE OF CALIFORNIA  
ENVIRONMENTAL PROTECTION AGENCY  
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

H & M NEW CENTURY GROUP  
1885 S. Vineyard Ave #1  
Ontario, CA 91761

Respondent.

Docket HWCA 20103448

CONSENT ORDER

Health and Safety Code  
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and H & M New Century Group (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent handles electronic waste at the following site: 6349 Chalet Drive, Commerce, California, 90040 (Site).

1.3. Inspection. The Department inspected the Site on May 9, 2011 and May 11, 2011.

1.4. Authorization Status. The Respondent has notified the Department of their intent to operate as a Cathode Ray Tube (CRT) and Universal Waste Electronic Device (UWED) material handler under the requirements provided in California Code of Regulations, title 22, division 4.5, chapter 23 related to the treatment of CRTs and UWEDs.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty

when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8 Admissions. Respondent admits the violations as alleged in Section 2 below.

## 2. VIOLATIONS ALLEGED

2.1. The Department alleges the following violations:

2.2. Respondent violated California Code of Regulations, title 22, section 66273.32, subsection (c), in that on or about May 9, 2011, Respondent failed to notify the Department prior to accepting UWEDs.

2.3. Respondent violated California Code of Regulations, title 22, section 66273.32, subsection (d)(1), in that on or about May 9, 2011, Respondent failed to submit an annual report to the Department by February 1 of each calendar year.

2.4. Respondent violated California Code of Regulations, title 22, section 66273.32, subsection (b), in that on or about May 9, 2011, Respondent failed to obtain a California ID Number pursuant to 66260.10 prior to accumulating more than 5,000 kg of non-RCRA UWEDs.

2.5. Respondent violated California Code of Regulations, title 22, section

66273.36, subsections (a) through (d), in that on or about May 9, 2011, Respondent failed to ensure that all personnel who manage UWEDs are thoroughly familiar with proper electronic waste management and emergency response procedures and maintain written training records for at least three years.

2.6. Respondent violated California Code of Regulations, title 22, section 66273.40, subsection (a)(3)(C) and Public Resources Code, Section 42476.5, in that on or about May 9, 2011, Respondent failed to notify the Department, in accordance with subsection (a)(4) of this section, of an intended export 60 days before any EDs, CRTs and /or CRT glass are scheduled to leave the US. The notification covers a 12 month or lesser period.

2.7. Respondent violated California Code of Regulations, title 22, section 66273.39, subsections (a) through (d), in that on or about May 9, 2011, Respondent failed to keep records of each shipment of UWEDs handled at the facility.

### 3. SCHEDULE FOR COMPLIANCE

3.1. The Respondent has corrected the violations cited above. The Respondent shall operate hereafter in a manner that shall prevent recurrences of the violations cited herein.

3.2. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

### 4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order.

Notwithstanding compliance with the terms of this Order, Respondent may be required to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

## 5. PAYMENTS

5.1. Respondent shall pay the Department a total penalty of \$9,000.00. This penalty shall be paid in three (3) installments. The three installments in the amount of \$3,000.00 each are due and payable as follows: on August 1, 2012; November 1, 2012; and February 1, 2013. Any installment payment that is received by the Department more than 15 days after it is due will be subject to a \$250 penalty, such penalty shall be paid by Respondent no later than the due date of the next installment payment. If Respondent fails to make any payment timely as provided above, Respondent agrees

to pay interest thereon at the rate established pursuant to Health and Safety Code section 25360.0. Respondent further agrees to pay all costs and attorney's fees incurred by the Department in pursuing the collection of any sums the payment of which becomes delinquent thereunder.

5.2. Respondent's check(s) shall be made payable to Department of Toxic Substances Control, shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered to:

Department of Toxic Substances Control  
Accounting Office  
1001 I Street, 21st floor  
P. O. Box 806  
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Robert Kou, Acting Performance Manager  
Enforcement and Emergency Response Program  
Department of Toxic Substances Control  
9211 Oakdale Avenue  
Chatsworth, California 91311

and

Debra Schwartz, Senior Staff Attorney  
Office of Legal Affairs  
Department of Toxic Substances Control  
9211 Oakdale Avenue  
Chatsworth, California 91311

5.3. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: July 12, 2012

Original signed by Michael Zhuang  
Respondent Signature

Michael Zhuang  
Print Name of Respondent

Dated: July 16, 2012

Original signed by Robert Kou  
Robert Kou, Acting Performance Manager  
Chatsworth Branch  
Enforcement and Emergency Response  
Program  
Department of Toxic Substances Control